

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Nicholas Venduras	Team: Squad #7	CCRB Case #: 202002251	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 03/19/2020 1:24 PM	Location of Incident: 41st Precinct Stationhouse	Precinct: 41	18 Mo. SOL 9/19/2021	EO SOL 5/6/2022	
Date/Time CV Reported Thu, 03/19/2020 1:52 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Thu, 03/19/2020 1:52 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM James Foy	20456	963349	041 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Richard Suriel	13059	932120	041 PCT
2. POF Priscilla Martinez	20586	958885	041 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM James Foy	Abuse: Police Officer James Foy refused to provide his name to § 87(2)(b)	

## Case Summary

On March 19, 2020, § 87(2)(b) filed this complaint via the CCRB website.

On March 19, 2020, at approximately 1:30 PM, § 87(2)(b) and her adult daughter, § 87(2)(b) went to the 41<sup>st</sup> Precinct stationhouse to speak to a Domestic Violence officer. While there, she alleges she asked Police Officer James Foy of the 41<sup>st</sup> Precinct for his name and shield number, but he only stated his shield number and not his name (**Allegation A: Abuse of Authority – Refusal to Provide Name**, § 87(2)(g)).

The NYPD Legal Department provided stationhouse video showing a portion of this incident (**Board Review 1**).

## Findings and Recommendations

### **Allegation (A) Abuse of Authority: Police Officer James Foy refused to provide his name to**

§ 87(2)(b)

§ 87(2)(b) stated she and § 87(2)(b) went to the 41<sup>st</sup> Precinct stationhouse to speak with that precinct's Domestic Violence Officer. (**Board Review 2**) Based on a Domestic Incident Report she provided, the DV officer was identified as Police Officer Priscilla Martinez of the 41<sup>st</sup> Precinct. (**Board Review 3**) Upon arrival, Police Officer Richard Suriel, also of the 41<sup>st</sup> Precinct, stopped them, asking why they were there and tried to prevent them from entering. (**Board Review 2**) § 87(2)(b) read PO Suriel's name off his chestplate during this conversation. While speaking to him, § 87(2)(b) saw PO Foy walking inside the stationhouse and asked if he could assist, but he told her he would not get involved and went inside. When she filed this complaint, § 87(2)(b) did not know PO Foy's name, only his shield number after he told it to her, which the investigation matched to him.

When PO Suriel saw § 87(2)(b) crying, he allowed them entry. As they were waiting for PO Martinez, § 87(2)(b) saw PO Foy in plain clothes walking across the reception area, and said she did not initially recognize him out of uniform. Both § 87(2)(b) and § 87(2)(b) said PO Foy spoke first, saying, "Yeah, what?" to them. § 87(2)(b) said his tone was so aggressive she wondered if he wanted to attack her. (**Board Review 4**) § 87(2)(b) said at that point she asked PO Foy for his shield number, which he said too fast for her to understand. She then asked for his name, but he did not answer. (**Board Review 2**) She asked him to repeat his shield number and asked for his name a second time, but PO Foy only stated his shield number as 20456 before walking away. PO Foy's shield number is in fact 20456. § 87(2)(b) recounted the interaction slightly differently, where her mother asked for PO Foy's shield number and name at the same time. (**Board Review 4**) Again though, she says he only gave his shield number even after being asked twice.

PO Foy described the interaction differently and said he provided all the information § 87(2)(b) requested. **(Board Review 5)** He said § 87(2)(b) told him to “get a sergeant right now,” as he walked into the stationhouse. He told her she was already being helped by PO Suriel and would not get involved. PO Suriel was the more experienced officer and PO Foy saw no reason to intervene.

After he changed out of his uniform into street clothes to paint a new office space in the stationhouse, he saw § 87(2)(b) and § 87(2)(b) sitting in the waiting area. § 87(2)(b) said, “That’s him, that’s the officer,” and told him she needed his name and shield number. PO Foy said he explicitly stated, “Officer Foy, 20456.” § 87(2)(b) asked for no other information, nor did she ask him to repeat himself, so he said nothing else and continued on his way.

No witnesses were present during this conversation. PO Suriel said the two women were frustrated while outside and talked over each other at times, but from where he was posted as stationhouse security, he was unable to hear any conversations happening indoors and he did not see them speaking to PO Foy once they got inside **(Board Review 6)**. No officers told him about any interactions with § 87(2)(b) or § 87(2)(b) after that either. PO Martinez’ office is too far from the waiting area to hear any conversations taking place there. **(Board Review 7)** She said neither § 87(2)(b) nor § 87(2)(b) told her about any conversations in the waiting area, nor did any officers. Neither witness officer had any knowledge of PO Foy’s conversation with § 87(2)(b) or § 87(2)(b) in the reception area.

Stationhouse footage shows the brief interaction outside the stationhouse where before he enters, PO Foy points at PO Suriel when § 87(2)(b) addresses him, but there is no sound or any interior footage showing subsequent conversations. **(Board Review 1)**

Patrol Guide Procedure 203-09, which instructs officers on how to interact with members of the public, states officers should, "Courteously and clearly state your rank, name, shield number and command, or otherwise provide them, to anyone who requests you to do so. Allow the person ample time to note this information." **(Board Review 8)**

§ 87(2)(g)  
[REDACTED]

### **Civilian and Officer CCRB Histories**

- PO James Foy has been a member of service for three years and has been the subject in two CCRB complaint and seven allegations, none of which were substantiated. § 87(2)(g) (Board Review 9)
- This is the first CCRB complaint to which § 87(2)(b) has been a party.

## Mediation, Civil and Criminal Histories

- § 87(2)(b) rejected mediation because she does not believe it will be effective.
- On November 5, 2020, a Notice of Claim inquiry was sent to the NYC Office of the Comptroller. On November 12, 2020, the NYC Office of the Comptroller stated no notices of claim filed on behalf of § 87(2)(b) were located for this incident. **(Board Review 10)**
- According to the Office of Courts Administration (OCA), § 87(2)(b) has no history of convictions in New York City. **(Board Review 11)**

Squad No.: 7

Investigator:	<u>Nick Venduras</u>	<u>Inv. Nicholas Venduras</u>	<u>Nov. 22, 2020</u>
	Signature	Print Title & Name	Date
Squad Leader:	<u>                    </u>	<u>Manager Vanessa Rosen</u>	<u>November 23, 2020</u>
	Signature	Print Title & Name	Date
Reviewer:	<u>                    </u>	<u>                                </u>	<u>                                </u>
	Signature	Print Title & Name	Date